REMARKS

This is a full and timely response to the outstanding final Office Action mailed December 22, 2005. Reconsideration and allowance of the application and pending claims are respectfully requested.

I.   Claim Rejections - 35 U.S.C. § 103(a)

A.   Rejection of Claims 1-4, 6-16, 24-33, 35, and 36

Claims 1-4, 6-16, 24-33, 35, and 36 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Endoh (U.S. Pat. No. 6,707,566) in view of Cox, et al. ("Cox," U.S. Pat. No. 6,449,054). Applicant respectfully traverses this rejection.

As has been acknowledged by the Court of Appeals for the Federal Circuit, the U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness by showing some objective teaching in the prior art or generally available knowledge of one of ordinary skill in the art that would lead that individual to the claimed invention. *See In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). The Manual of Patent Examining Procedure (MPEP) section 2143 discusses the requirements of a *prima facie* case for obviousness. That section provides as follows:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teaching. Second, there must be a reasonable expectation of success.

Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and reasonable expectation of success must be found in the prior art, and not based on applicant's disclosure.

In the present case, the prior art at least does not teach or suggest all of the claim limitations. Applicant discusses the references and Applicant's claims in the following.

1.   The Endoh Reference

Endoh discloses a data processing apparatus. Endoh, Patent Title. As is described by Endoh, it is desirable in certain situations to print a given print job on a plurality of printing apparatuses in parallel to improve print speed. Endoh, column 1, lines 22-28. One problem with such parallel printing, however, is network traffic. Endoh, column 1, lines 37-40. As a solution to that problem, Endoh proposes a "multicasting protocol" by which a transmitting source (e.g., PC) can transmit data to a plurality of transmission destinations (e.g., printers) by one transmission. Endoh, column 1, lines 45-48. With such a protocol, the printing apparatuses receive print data and print instructions and, therefore, can process the print data in accordance with the print instructions. Endoh, column 2, lines 1-12.

Although Endoh discloses the above-described multicasting protocol, Endoh is silent as to managing printers by collecting and manipulating data from the printers.

2. Applicant's Claims

(a) Claims 1-4, 6-11

Independent claim 1 provides as follows (emphasis added):

> 1. A method, comprising:
>
> creating a plurality of printer groups;
>
> for each of a plurality of printers, *associating the printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups*, the printer identifier uniquely identifying the printer;
>
> *collecting data from one or more of the plurality of printers*;
>
> *aggregating the collected data by printer group* for one or more of the printer groups;
>
> *processing the aggregated data*; and
>
> moving a printer associated with a first group to a second group by dissociating the printer identifier from the first group and associating the printer identifier with the second group.

In the Office Action, it is argued that Endoh teaches all aspects of claim 1, with the exception of moving a printer associated with a first group to a second group. Applicant disagrees.

As is described in the foregoing, Endoh is *silent* as to collecting and manipulating data from printers. For this reason, it follows that Endoh does not teach or suggest "collecting data from one or more of the plurality of printers", "aggregating the collected data by printer group", or "processing the aggregated data" as are required by claim 1.

The Office Action alleges that Endoh anticipates the above-noted limitations in column 4, lines 54-64, which provides in full:

> The printer driver 402 activates a user interface 403. The user interface 403 displays a dialog window for promoting the user to input a group address and printing conditions of the printer onto the display 207.
>
> When the user inputs the group address and printing conditions of the printer by the user interface 403, the user interface 403 sends the inputted group address and printing condition of the printer to the printer driver 402. A print instruction common to all of the printers and a print instruction to each printer are included in the printing conditions. The print instruction will be described later.
>
> [Endoh, column 4, lines 54-64]

As is clear from the above excerpt, Endoh only describes a process for transmitting a print job to the printers of the group along with the "printing conditions" that are "input" by the user and which comprise the instructions to the printers as to how to complete the job. This interpretation is supported by the fact that Endoh is describing the actions of a "printer driver." Contrary to that argued in the Office Action, this excerpt has nothing to do with collecting data *from* a printer.

In addition to the aforementioned deficiencies of the Endoh reference, Endoh fails to teach or suggest creating a plurality of printer groups and "associating the printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups" as is also provided in claim 1. Although Endoh anticipates sending a print job to multiple printers, which could be argued to comprise a "group," Endoh simply fails to teach "associating" a printer to a particular group by "assigning a printer identifier"

to the group. Applicant notes that Endoh's mere depiction of an "ID" in Figure 1 does *not* equate to a teaching or suggestion of Applicant's explicit recitation of "associating the printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups".

The Cox reference does not comprise teachings or suggestions that remedy the above-described deficiencies of the Endoh reference. Accordingly, claims 1-4 and 6-11 are allowable over Endoh/Cox for at least this reason.

In response to the Examiner's comments contained in the Response to Arguments section of the Office Action, Applicant again reiterates that column 4, lines 54-64, and therefore lines 54-57, do *not* describe collecting data *from* printers. Once more, Endoh only describes sending information *to* printers in that portion of the Endoh disclosure. Although Endoh does describe "inputting a group address and printing conditions of the printers" as is stated in the Office Action, Endoh explicitly states that "the user inputs" that information. Therefore, the "group address and printing conditions" are not received from a printer but *from a user*, i.e. a human being.

Column 5, lines 50-54, column 7, lines 27-32, and column 8, lines 12-23, which have been cited for the first time in the final Office Action, are similarly deficient. Those portions of the Endoh reference provide as follows:

> As mentioned above, by adding the print instruction for each printer
> to the print job data packet, the printer can be allowed to perform a different
> printing process according to a processing ability of each printer.
> [Endoh, column 5, lines 50-54]

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Further, according to the embodiment, a different printing process according to the processing ability of each print processing apparatus can be instructed every print processing apparatus. Therefore, the number of prints, a paper size, a finishing process, and the like can be made different every print processing apparatus.

[Endoh, column 5, lines 50-54]

In FIG. 11, reference numeral 1101 denotes a document input and 1102 indicates a user interface. A dialog window to allow the user to input scanning conditions of a document, a group address and printing conditions of the printer, and the like is displayed onto the display 1007 via the user interface 1102.

When *the user inputs* the scanning conditions of the document and the group address and printing conditions of the printer via the user interface 1102, the user interface 1102 sends the scanning conditions of the document and the group address and printing conditions of the printer which were inputted to the document input 1101.

[Endoh, column 5, lines 50-54 (emphasis added)]

As can be appreciated from the above three excerpts, Endoh simply does not describe receiving data *from* printers. In each excerpt, information is being sent *to* printers. Regarding the reference to "printing conditions," Endoh again explicitly states that those "conditions" (which appear to be selections) are entered *by the user*.

(b) Claims 12-16

Independent claim 12 provides as follows (emphasis added):

> 12. A method, comprising:
>
> creating a plurality of printer groups;
>
> for each of a plurality of printers, *associating the printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups*, the printer identifier uniquely identifying the printer;
>
> *presenting the one or more printer groups and the printers associated with the one or more printer groups in a user interface*;
>
> *collecting data from one or more of the plurality of printers*;
>
> *aggregating the collected data by printer group* for one or more of the printer groups;
>
> *processing the aggregated data*; and
>
> moving a printer associated with a first group to a second group by dissociating the printer identifier from the first group and associating the printer identifier with the second group.

Regarding claim 12, neither Endoh nor Cox teach or suggest any of: "associating the printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups", "collecting data from one or more of the plurality of printers", "aggregating the collected data by printer group for one or more of the printer groups", or "processing the aggregated data" for reasons described above.

As a further matter, neither Endoh nor Cox teach or suggest "presenting the one or more printer groups and the printers associated with the one or more printer groups in a user interface". Applicant notes that the Office Action fails to even address this

limitation. Claims 12-16 are believed to be allowable over Endoh/Cox for at least this reason.

(c) Claims 24-26

Independent claim 24 provides as follows (emphasis added):

> 24.   A system, comprising:
>
> a processor;
>
> memory;
>
> at least one data port for transmitting data to and receiving data from a plurality of printers, each printer having a printer identifier that uniquely identifies the printer; and
>
> a printer group information module configured to associate each printer with a printer group, *collect printer usage data from the printers of one or more printer groups, aggregate the printer usage data,* and move a printer associated with a first group to a second group by dissociating the printer identifier from the first group and associating the printer identifier with the second group.

With regard to claim 24, neither Endoh nor Cox teach or suggest a system including a "printer group information module configured to associate each printer with a printer group, collect printer usage data from the printers of one or more printer groups, and aggregate the printer usage data" for reasons described above. Claims 24-26 are believed to be allowable over Endoh/Cox for at least this reason.

(d) Claims 27-31

Independent claim 27 provides as follows (emphasis added):

27. A computing device programmed to present a user interface that allows a user to perform the following functions on the computing device:

create a plurality of printer groups;

for each of a plurality of printers, *associate a printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups*, the printer identifier uniquely identifying the printer;

collect data from one or more of the plurality of printers;

aggregate the collected data by printer group for one or more of the printer groups; and

move a printer associated with a first group to a second group by dissociating the printer identifier from the first group and associating the printer identifier with the second group.

Regarding claim 27, Endoh fails to teach or suggest a computing device that is programmed to present a user interface that allows a user to "associate a printer with one or more of the printer groups by assigning a printer identifier with at least one of the one or more printer groups, the printer identifier uniquely identifying the printer", "collect data from one or more of the plurality of printers", or "aggregate the collected data by printer group for one or more of the printer groups" for reasons described above. Claims 27-31 are believed to be allowable over Endoh/Cox for at least this reason.

(e) Claims 32-33 and 35-36

Independent claim 32 provides as follows (emphasis added):

> 32. A computing device, comprising:
>
> memory; and
>
> a processor configured to process computer-executable instructions to perform the following functions:
>
> *associating a printer identifier from each of a plurality of printers with one or more of multiple printer groups*;
>
> *collecting printer usage data from the printers associated with one or more of the printer groups*;
>
> *aggregating the collected data according to printer group*; and
>
> moving a printer associated with a first group to a second group by dissociating the printer identifier from the first group and associating the printer identifier with the second group.

Regarding claim 32, Endoh fails to teach or suggest a processor that is configured to process computer-executable instructions to perform the following functions: "associating a printer identifier from each of a plurality of printers with one or more of multiple printer groups", "collecting printer usage data from the printers associated with one or more of the printer groups", and "aggregating the collected data according to printer group" for reasons described above. Claims 32-33 and 35-36 are believed to be allowable over Endoh/Cox for at least this reason.

4. Conclusion

In conclusion, it is Applicant's position that a *prima facie* for obviousness has not been made against Applicant's claims. Therefore, it is respectfully submitted that each of these claims is patentable and that the rejection of these claims should be withdrawn.

B. Rejection of Claims 17 and 20-23

Claims 17 and 20-23 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over <u>Endoh</u> in view of <u>Bullock, et al.</u> ("Bullock," U.S. Pat. No. 5,812,156). Applicant respectfully traverses this rejection.

Independent claim 17 provides as follows (emphasis added):

> 17. A *printer*, comprising:
>
> a printer identifier that uniquely identifies the printer;
>
> **a data collection module configured to collect printer usage data from the printer**;
>
> a connection to a host computer, the host computer configured to associate the printer identifier with one or more printer groups identified by the host computer;
>
> a memory component integrated into a replaceable component of the printer; and
>
> printer usage data stored in the memory.

In the Office Action, it is argued that Endoh teaches all of the aspects of claim 17 with the exception of a memory component integrated into a replaceable component of a printer. Applicant disagrees.

As a first matter, Endoh does not teach or suggest a printer that includes a "data collection module configured to collect printer usage data from the printer". Again, column 4, lines 54-64, which the Examiner relies upon for teaching that limitation, provides as follows:

> The printer driver 402 activates a user interface 403. The user interface 403 displays a dialog window for promoting the user to input a group address and printing conditions of the printer onto the display 207.
>
> When the user inputs the group address and printing conditions of the printer by the user interface 403, the user interface 403 sends the inputted group address and printing condition of the printer to the printer driver 402. A print instruction common to all of the printers and a print instruction to each printer are included in the printing conditions. The print instruction will be described later.
>
> [Endoh, column 4, lines 54-64]

Nothing in that excerpt says anything about a printer that includes a "data collection module configured to collect printer usage data from the printer".

As a further matter, regarding the combination of the Bullock reference with the Endoh reference, there is absolutely no legitimate reason for combining the teachings of Bullock with those of Endoh. As has been stated time and again, Endoh concerns multicasting of print jobs, *not* collection of printer data. Given that Bullock's disclosure is focused on collection of printer data, there would have been no reason apparent to a person having ordinary skill in the art to combine Bullock's teachings with Endoh's, and modify Endoh's system in view of those teachings. Clearly, the Examiner is picking and choosing from the prior art with the sole motivation of rejecting Applicant's claims. As is well
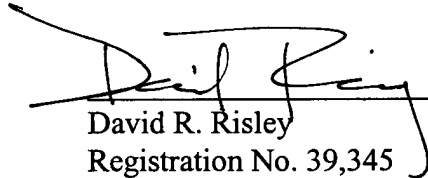
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established in the law, such hindsight to the Applicant's own disclosure is *per se* improper. *See Crown Operations International, Ltd. v. Solutia, Inc.*, 289 F.3d 1367, 62 USPQ2d 1917 (Fed. Cir. 2002) (a determination of obviousness *cannot* be based on a hindsight combination of components selectively culled from the prior art to fit the parameters of the invention).

For at least the above reasons, claims 17 and 20-23 are allowable over Endoh/Bullock.

CONCLUSION

Applicant respectfully submits that Applicant's pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

David R. Risley
Registration No. 39,345

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Mary M.eegen
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